

### **REMARKS**

Claims 1, 2 and 4-6 have been examined. Claims 1, 2 and 4-6 have been rejected under 35 U.S.C. § 102(e), and claims 1, 2, 4 and 5 have been rejected under 35 U.S.C. § 102(a).

#### **I. Preliminary Matters**

As an initial matter, Applicant has amended claim 1. However, Applicant notes that while the claimed thin client terminal is given appropriate meaning through the specification, Applicant is merely expressly claiming what was already implicitly recited in the claim. Accordingly, the amendment to claim 1 is merely for clarification, and is not considered to be a narrowing amendment that raises new issues for consideration or raises estoppel issues. Thus, Applicant submits that the Amendment should be entered despite the finality of the current Office Action.

#### **II. Rejections under 35 U.S.C. § 102(e)**

The Examiner has rejected claims 1, 2 and 4-6 under 35 U.S.C. § 102(e) in view of Kretschmann (USP 6,167,464) (“Kretschmann”).

##### **A. Claim 1**

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites that the plurality of parallel instances of the control program are deployed from a network server to the plurality of thin client terminals over a network.

Applicant respectfully submits that Kretschmann does not disclose that the same control program (i.e., **parallel instances** of the control program) is deployed to the HMI clients from a

network server. Rather, as set forth on pgs. 2 and 3 of the Office Action, the processor 12 of Kretschmann may identify one or more applications to be downloaded to the HMI's using a matrix 66 (col. 5, lines 54-65). Applicant submits that the use of the matrix 66, to determine which application to download to a respective HMI, such that each HMI receives a different application, fails to teach or suggest the deployment of instances of the same control program (i.e., parallel instances) to the thin client terminals by a network server.

Further, claim 1 recites that the thin client terminals are configured without the capability of downloading the control program. As set forth in the non-limiting embodiments of the present application, the control programs are installed on the server, and the thin client terminals are computers not having a hard drive. Each thin client terminal merely runs an instance of the control program which is installed on the server. Except for the small terminal server client software and an operating system, no other software is downloaded and installed on the thin client terminals. Accordingly, all available control programs only need to be installed and upgraded on the server, and do not need to be individually upgraded on the thin client terminals (see non-limiting embodiment on pg. 4 of present Application). Thus, the control programs are run on the server and the thin client terminals function primarily as in- and output-devices.

In contrast, Kretschmann discloses systems where the applications are actually *downloaded* to the HMI. For example, as set forth in the July 14, 2004 Amendment, Kretschmann discloses a system where, upon identification of the HMI by the central processor, the central processor may identify one or more applications to be *downloaded* to the HMI. (Col. 7, lines 23-27). Further, as set forth on pg. 7 of the Office Action, the Examiner points to further

examples of Kretschmann where the applications are stored on each HMI and can be permanently downloaded on an HMI (citing to col. 5, lines 7-12 and col. 7, lines 27-31 of Kretschmann).

In view of the above, Applicant submits that claim 1 is patentable over the cited reference, and respectfully requests the Examiner to reconsider and withdraw the rejection.

**B. Claims 2 and 4-6**

Since claims 2 and 4-6 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

**III. Rejections under 35 U.S.C. § 102(a)**

The Examiner has rejected claims 1, 2, 4 and 5 under 35 U.S.C. § 102(a) in view of “Michaloski”, *Software Models for Standardizing the Human-Machine Interface Connection to a Machine Controller*.

**A. Claim 1**

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites that a plurality of parallel instances of a control program are deployed from a network server to a respective plurality of thin client terminals.

The Examiner points to the controller objects discussed on pg. 5 of Michaloski, and maintains that such objects disclose the claimed parallel instances of a control program (pg. 8 of Office Action). However, the brief discussion of “controller objects” fails to teach or suggest that instances of the same control program (i.e., **parallel instances of the control program**) are

deployed from a network server to the HMI's (i.e., alleged thin client terminals). Rather, the cited portion of Michaloski merely states that, "[t]he next logical step would be to use a 'pure' C++ object-oriented approach, which would tie Controller objects to DICTIONARY objects." Based on such minimal disclosure, it appears that the Examiner is reading features into the Michaloski reference which are neither taught nor suggested.

Further, on pg. 7 of the Office Action, the Examiner maintains that Michaloski teaches that an HMI can bind to controller components that expose a COM interface as a local process (citing to pg. 7 of Michaloski). Applicant submits that such disclosure fails to teach or suggest that the controller components comprise the claimed plurality of parallel instances of a control program (i.e., the **same control program sent to each** thin client terminal), or that such controller components are deployed from a type of network server to a plurality of HMI's (i.e., alleged thin client terminals).

Finally, as previously set forth in the July 14, 2004 Amendment, Applicant submits that the feature of parallel instances of a control program is not disclosed in Michaloski. For example, on page 6 in the paragraph with the headline "Distributed Components", Michaloski discloses a distributed component based approach in which instead of a single data server, each controller component provides its own data services through a proxy server. The controller component exposes COM interfaces and the HMI can bind to a COM component anywhere, be it in-process, local-process or remote process. Applicant respectfully submits that the disclosure of Michaloski is completely different from that which is disclosed and claimed in the present application in which a number of parallel instances of the control program are deployed.

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In view of the above, Applicant submits that claim 1 is patentable over the cited reference, and respectfully requests the Examiner to reconsider and withdraw the rejection.

**B. Claims 2, 4 and 5**

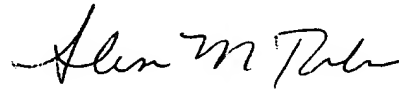
Since claims 2, 4 and 5 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

**IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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